

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No.: 10/753,474
Attorney Docket No.: Q79100

REMARKS

Claims 1-9, 11, and 16-34 are all the claims pending in the application. By this Amendment, Applicant editorially amends claim 3 to cure a minor informality and adds claims 33 and 34, which are clearly supported throughout the specification.

I. Preliminary Matter

As a preliminary matter, Applicant respectfully requests the Examiner to indicate acceptance of the drawing figures filed with the application on January 9, 2004.

II. Summary of the Office Action

The Examiner withdrew the previous grounds of rejection. The Examiner, however, found new grounds for rejecting the claims. Claims 1, 2, 7-9, 11, 13-15, 18, 19, 24, 25, 30, and 31 are rejected under 35 U.S.C. § 102 and claims 3-6, 16, 17, 20-23, 26-29, and 32 are rejected under 35 U.S.C. § 103.

III. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 2, 7-9, 11, 13-15, 18, 19, 24, 25, 30, and 31 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2005/0099990 to Uusikartano (hereinafter “Uusikartano”). Applicant respectfully traverses these grounds of rejection in view of the following comments.

As a preliminary matter, Applicant respectfully notes that claims 13-15 have been canceled without prejudice or disclaimer in the Amendment under 37 C.F.R. § 1.116 filed on October 26, 2006. Accordingly, this rejection of claims 13-15 is moot.

Of these rejected claims, only claims 1, 9, and 11 are independent. Independent claims 1, 9, and 11 include, in some variation, a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station send by a core network entity to a radio access network entity, said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity; adding, by said core network entity, to said request second information, that is known at a level of said core network.

In an exemplary, non-limiting embodiment, it is disclosed that in supporting real-time services, it is important to know the cell in which the mobile station (MS) is, and its capabilities (e.g., if it is EGPRS capable or not), the state of the cell (e.g., how loaded it is), and the MS capabilities (e.g. if the MS is EGPRS capable or not, and the MS's multislots class).

Accordingly, in an exemplary, non-limiting embodiment of the present invention, a core network entity such as an SGSN includes in a request for setting up or reconfiguring a packet session first information derived from quality of service information received in the request from the MS and adds to the request second information, that is known in the SGSN, such as access capabilities of the MS. Accordingly, this request (having the first information and the added second information) is sent to a radio access network entity such as a base station subsystem (BSS), which uses the first and second information to determine whether a PDP context session may be established and performs the admission control procedure based on this information. That is, the BSS will permit or deny establishing a PDP context session based on this information included in the request from the SGSN.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

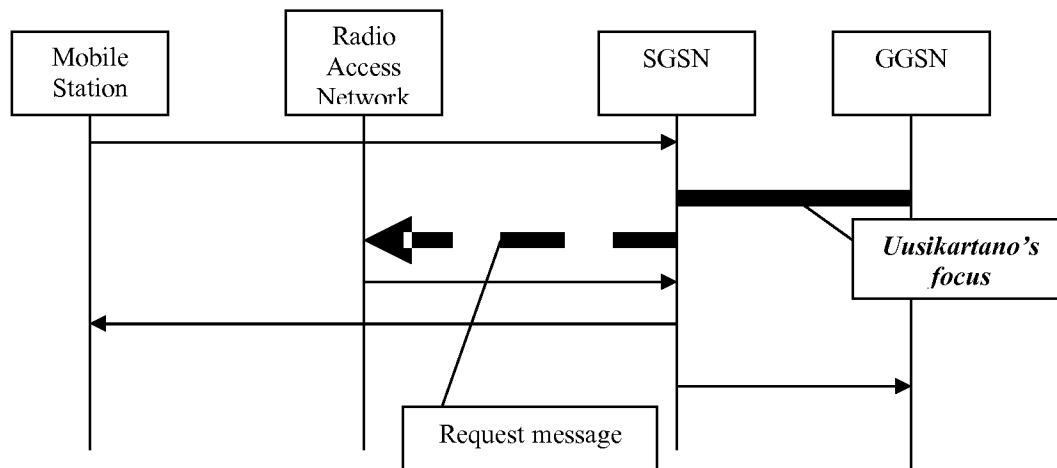
The Examiner contends that Uusikartano discloses the unique features of claims 1, 9, and 11. In his remarks in support of the rejection at page 3 of the Office action, the Examiner refers to paragraphs [0020, 0022, 0024-0026, 0030, and 0036] of Uusikartano as allegedly disclosing the claimed feature of including in the reconfiguration request (sent by the core network entity to the radio access network entity) first information derived from QoS information contained in a corresponding request received by the core network entity and added second information known at the level of the core network entity. Applicant respectfully disagrees. Applicant has carefully studied the disclosure of the Uusikartano noted by the Examiner as well as the remaining disclosure and respectfully submits that Uusikartano is unrelated to the request message from the core network entity to the radio access network entity and does not disclose a request message with first and second information as set forth in claims 1, 9, and 11.

Uusikartano relates to an improved packet-switched part of a mobile communication system, utilizing PDP addresses as temporary or permanent network-layer subscriber addresses. In Uusikartano, the original TFT parameter are stored in the SGSN at least for the duration of the PDP context modification, so that it can be returned to the GGSN if the radio network does not accept the new QoS profile during the PDP context modification (*see* Abstract and ¶¶ 3-6). In other words, Uusikartano is directed to having the GGSN include in a response to SGSN original TFT (traffic flow template) parameters prior to changing them to the newly requested TFT

parameters so that if the radio access network cannot reconfigure the session with the new TFT parameters, the SGSN can re-establish the old session with old TFT parameters (Fig. 3; ¶¶ 30).

In particular, Uusikartano is directed to a technique for reconfiguring a PDP session where the improvement is directed to the data network. In Uusikartano, a parameter from the GGSN is provided to the SGSN for temporarily storage during reconfiguration. With respect to the communication between the core network and radio access network, Uusikartano's technique is conventional. Since Uusikartano focuses on a configuration request at the core network level (*i.e.*, parameters exchanged between SGSN and GGSN) and not on the communication between the core network and the radio access network, Uusikartano cannot and does not anticipate the request message from the core network entity to the radio access network entity, as set forth in claims 1, 9, and 11.

Uusikartano discloses having a Radio Access Bearer (RAB) location procedure for reconfiguring the PDP context (Fig. 2, message 2-7 and Fig. 3, message 3-7; ¶ 28 and ¶ 30). In Uusikartano, however, the information included in the reconfiguration message from the SGSN to radio access network is not disclosed in any specificity. In other words, Uusikartano discloses that RAB location procedure exists but does not provide any details with respect to this procedure since it is clearly not the focus of Uusikartano's disclosure, *see* diagram below.



Since Uusikartano discloses and focuses on saving old TFT parameters in the SGSN, GGSN, or mobile station to restore old configuration in the event new one fails and is unrelated to improvements in the RAB location procedure, the rejection is improper as it at the very least lacks “sufficient specificity” required under 102. “[A]nticipation under § 102 can be found only when the reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131.

In sum, the only message in Uusikartano which is sent from the SGSN to the RAN for requesting reconfiguration of a connection are messages 2-7 in Fig. 2 and 3-7 in Fig. 3 which are described in paragraphs 28 and 30, respectively, and Uusikartano does not at any point suggest that these messages 2-7 and 3-7 include both information derived from the QoS information contained in a request received by the SGSN as well as information known at the level of the SGSN and added to the message 2-7 and 3-7.

Therefore, sending, by a core network entity of said system, to a radio access network entity of said system a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station, said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity; adding, by said core network entity, to said request second information, that is known at a level of said core network entity, as set forth in some variations in claims 1, 9, and 11 is not disclosed by Uusikartano, which lacks having the request message sent from the core entity to the radio access network entity, which includes second information, known at the level of the core network entity being added to the first information derived from the QoS received from the MS. For at least these exemplary reasons, claims 1, 9, and 11 are patentably distinguishable from Uusikartano. Therefore, Applicant respectfully requests the Examiner to withdraw these rejections of claims 1, 9, and 11. Claims 2, 7, 8, 18, 19, 24, 25, 30, and 31 are patentable at least by virtue of their dependency on claim 1, 9, or 11.

In addition, dependent claim 2 recites: “wherein said second information comprises information representative of radio access capabilities of said mobile station.” The Examiner contends that ¶ 22 of Uusikartano discloses these unique features of claim 2 (*see* page 3 of the Office Action). Applicant respectfully disagrees.

¶ 22 of Uusikartano recites:

A mobile station associated with the GPRS system can commence the PDP context activation at any time by transmitting an Activate PDP context request message to the SGSN. After the SGSN has received the message, it transmits a Create PDP context request message to the GGSN, which sets up the PDP context and transmits it to the SGSN. The SGSN transmits the PDP connection to the mobile station MS in an Activate PDP context

response message, and a virtual connection or link is set up between the mobile station MS and the GGSN. As a result, the SGSN forwards all the data packets from the mobile station MS to the GGSN, which in turn forwards all the data packets received from an external network and addressed to the mobile station MS to the SGSN. The PDP context is stored in the mobile station MS, the SGSN and the GGSN. When the mobile station MS moves to the area of a new SGSN, the new SGSN requests for the PDP context from the old SGSN, or if the transfer takes place in an active state, where the signalling connection is open between the UTRAN and the SGSN, the old SGSN immediately gives the PDP contexts to the new SGSN at the beginning of the transfer phase. The GPRS contract comprises one or more PDP addresses. The PDP context refers not only to the GPRS system but to any logical connection which is set up between the terminal and the network element responsible for the connection in order to transmit packet-switched data. Each PDP address is described by one or more PDP contexts in the mobile station MS, the SGSN and the GGSN. Each PDP context can be provided with a traffic flow template parameter (TFT parameter). Based on the TFT parameter, packets are filtered to different PDP contexts of the PDP address. The TFT parameter refers to filtering bases, i.e. to any parameter or group of parameters, on the basis of which a PDP context is selected for a data packet to be transmitted. A PDP address should have at most one PDP context with no associated TFT.

As is visible, ¶ 22 of Uusikartano is unrelated to the request message from the SGSN to the radio access network entity. Clearly, ¶ 22 of Uusikartano does not disclose or even remotely suggest adding second information to such a request message. Furthermore, Uusikartano does not disclose that the second information added to the request message is representative of the radio access capabilities of the MS. For at least these additional exemplary reasons, claim 2 is patentably distinguishable from Uusikartano.

In addition, dependent claim 8 recites: “wherein said request for the setting-up or the reconfiguration of a corresponding radio bearer is sent in a CREATE BSS PFC message.”

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/753,474
Attorney Docket No.: Q79100

Uusikartano does not disclose having CREATE BSS PFC message. Since Uusikartano only discloses configuring RAB over the UTRAN (§ 22) and fails to disclose “CREATE BSS PFC message”, the rejection is improper as it lacks “sufficient specificity” required under 102.

Therefore, for at least this additional exemplary reason, Applicant respectfully submits that claim 8 is patentably distinguishable from Uusikartano.

IV. Claims Rejected Under 35 U.S.C. § 103

Claims 3-6, 16, 17, 20-23, 26-29 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uusikartano in view of U.S. Publication No. 2004/0132441 to Livet (hereinafter “Livet”). Applicant respectfully traverses these grounds for a rejection in view of the following comments.

Claims 3-6, 16, 17, 20-23, 26-29, and 32 depend on claim 1, 9, or 11. It was already demonstrated that Uusikartano does not disclose or suggest the unique features of claims 1, 9, and 11. Livet does not cure the deficient disclosure of Uusikartano (as explained in the Amendment under 37 C.F.R. § 1.111 filed on May 30, 2006, incorporated herein by reference). Accordingly, claims 3-6, 16, 17, 20-23, 26-29, and 32 are patentable at least by virtue of their dependency on claim 1, 9, or 11 respectively.

V. New Claims

In order to provide more varied protection, Applicant adds claims 33 and 34, which are patentable at least by virtue of their dependency on claim 1 and for additional features set forth therein.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/753,474
Attorney Docket No.: Q79100

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to schedule an Interview.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373

CUSTOMER NUMBER

Date: April 23, 2007